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9 Attorneys for Plaintiffs

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11 **UNITED STATES DISTRICT COURT**  
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 JESUS ALBERTO CACERES, an  
14 individual; CYNTHIA STRAYER, an  
individual; MELIDA NOVOA, an  
15 individual; LAURIE COX, an  
individual; ALLISON CARROLL, an  
16 individual; ELIAH LEFFERTS, an  
individual; TONY DUNN, an  
17 individual; for themselves, and on  
behalf of all others similarly situated,

18 Plaintiffs,

19 v.

20 GMRI, INC., a Florida corporation,  
21 doing business in California as RED  
LOBSTER, and DOES 1 through 52,  
22 inclusive,

23 Defendants.

Case No. CV08-06840 CAS (AGR<sub>x</sub>)

**STIPULATION RE CHANGE IN  
CLASS CERTIFICATION MOTION  
BRIEFING SCHEDULE**

**Trial Date: April 6, 2010**  
**Pre-Trial Conference Date: March 1, 2010**

**Judge: Christina A. Snyder**  
**Courtroom No.: 5**

1 The parties to this action, through their respective counsel of record, stipulate  
2 and agree that the briefing schedule for Plaintiffs' Motion For Class Certification be  
3 changed, such that said Motion can be filed and served no later than September 15,  
4 2009, with a hearing date of November 16, 2009, with the defendants having until  
5 October 12, 2009 to file and serve their Opposition, and the Plaintiffs having until  
6 October 26, 2009 to file and serve their Reply papers, by reason of the following  
7 facts:

8 1. At the time of the Scheduling Conference held on January 26, 2009, the  
9 parties proposed, and this court accepted, a briefing schedule for Plaintiffs' Motion  
10 For Class Certification which had a deadline of July 10, 2009 for the filing of the  
11 motion, a hearing date of August 10, 2009, and an Opposition filing date of July 31,  
12 2009. The parties proposed those dates based on the information available at that  
13 time as to the amount of time they felt would be needed for the parties to obtain and  
14 exchange the necessary information and conduct the necessary discovery to be able  
15 to follow that briefing schedule. Since the Scheduling Conference, the parties have  
16 sent out written discovery and continued to meet and confer regarding an appropriate  
17 Protective Order for the exchange of certain information, including the names and  
18 addresses of potential class members.

19 2. The parties have now reached an agreement on a proposed Protective  
20 Order and are submitting that to the court for approval;

21 3. What will now need to be done next is as follows:

- 22 a. an opt-out notice will have to be agreed upon, prepared and sent  
23 to the putative class members prior to the release to plaintiffs'  
24 counsel of class contact information;
- 25 b. the services of a claim administrator will have to be employed to  
26 send the opt-out letter, along with a business reply mail postcard,  
27 to the proposed class and allow 30 days for any potential class  
28 member to opt out of any further contact from Plaintiffs'

counsel;

c. the names and contact information will be provided at the end of this process in response to Plaintiffs' written discovery requests.

4. Based on the amount of time that the above process will take, along with the time it will take to conduct pre-certification discovery in this matter, the parties believe that the new schedule they propose herein is necessary in order to provide all parties with sufficient time to develop the necessary information they will need to file the necessary papers in support of and in opposition to the motion for class certification.
5. No change is being requested for the pre-trial conference date of March 1, 2010 or the trial date of April 6, 2010.

Respectfully submitted:

DATED: March 12, 2009

LAW OFFICE OF LAUREN J. UDDEN

By: /s/ Lauren J. Udden

Lauren John Udden, Esq.  
Attorneys for Plaintiffs

DATED: March 12, 2009

LAW OFFICE OF GARRY M. TETALMAN

By: /s/ Garry M. Tetelman

Garry M. Tetelman  
Attorneys for Plaintiffs

1 DATED: March 30, 2009

2 OGLETREE, DEAKINS, NASH, SMOAK &  
3 STEWART, P.C.

4 By: /s/ Beth A. Gunn

5 Beth A. Gunn

6 Attorneys for Defendant

7 GMRI, INC.  
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